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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,600	06/16/2003	Klaus Schafer	016273-00180	8370
7590 John Wilson Jones Locke Liddell & Sapp 600 Travis Suite 3400 Houston, TX 77002-3095			EXAMINER CHIN, RANDALL E	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/018,600

Applicant(s)

SCHAFFER, KLAUS

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06162003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

#### **Content of Specification**

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- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.  
  
Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet

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published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (I) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

3. The disclosure is objected to because of the following informalities:

Applicant should note that the Examiner has only considered the specification (i.e., pages 1-7) **before the amendment made in the International stage (i.e., pages 1, 1A, 2)** since with these amendments, the specification from pages 2 to 3 does not make sense. Specifically, with such amendments, pages 2 to 3 reads "...operation of the cleaning and rinsing device. opening for a connecting sleeve for securing...".

Furthermore, there exists numerous typos or misprints of words on the amended sheets. Therefore, Applicant is respectfully requested to make any desired amendments to the original specification in the next communication to the Office in order to avoid confusion of the record.

On p. 1, third paragraph, delete the reference to the "preamble of claim 1".

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1-5 and 7-9 are objected to because of the following informalities:

Claim 1, line 3, "which pre-rinse pan" should read --said pre-rinse pan--. On line 4, what is "it" referring to? On line 8, "feed(s)" should be clarified as such is an alternative expression rendering the claim scope unclear.

Claim 2, lines 2-3, "a connecting sleeve" should be positively recited.

There should be some correlation or structural connection for the recitation "serves as a water connection" in claim 3, line 3 and the recitation "for securing a water hose for water supply" back in claim 2, line 3 to avoid a double inclusion of elements and any confusion.

Claim 4, line 2, "by means of O-rings" should be deleted/clarified to avoid any confusion with means-plus-function language. Claim 4, line 3, "a screw neck" should be positively recited.

Claim 5, line 2, "in that for a mounting a plug-type coupler" is awkwardly written and grammatically improper. Also on line 2, after "coupler", insert --,--. Claim 10 has the same objection.

Claim 7, line 3, "the underside of the base" lacks proper antecedent basis.

Claim 8, line 3, the recitation "by means of" is awkward and should be deleted/clarified to avoid any confusion with means-plus-function language. Claim 11 has the same objection.

Claim 9, there should be some structural connection between the "plastic base" recited in claim 1, line 2, and "a base housing" recited in claim 9, line 2. Claim 9, line 4, "the rim-side thereof" lacks proper antecedent basis. Also, what is the difference

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between the "suction cups" recited in claim 9, lines 4-5, and "suction legs" recited in claim 1, line 2? This appears to be a double inclusion of elements.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

GB 1 453 028 (hereinafter GB '028).

As well as the claims are understood, GB '028 teaches a device for cleaning and drinking vessels comprising a base arranged on what appears to be suction legs (not labeled but shown in Fig. 1) and at least one pre-rinse pan with cleaning brushes, which pre-rinse pan is fixed to said base and is open on the top, and a post-rinse device arranged next to it and having a pillar or vertical conductor tube 31 for supplying water, said post-rinse device and said pre-rinse pan being connected to a mains supply or water connection 12, characterized in that said base 2 is formed as a water-tight encapsulated hollow body having arranged in the interior thereof the water feed(s) for the pre-rinse and the post-rinse devices. The recitation that the base is made from



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plastic would be obvious to one of ordinary skill to make it possible to mass produce the device, as well as lower the cost of the device.

As for claim 2, the base is deemed to be provided with a "sealed passage opening" at mixing chamber 10 (claim never actually requires any seal) "for a connecting sleeve" (not positively recited here) for securing a water hose for water supply (see hose which connects to mains supply 12 in Fig. 2).

As for claim 3, the connecting sleeve at inlet valve 14 and connection 13 is formed as a "sealing cap" which at the same serves as a water connection.

As for claim 4, the aforesaid "sealing cap" being sealed by O-rings would be well within the competence of one skilled in the art in order to avoid any leakage of water from the base or protection "against the outside." Note, "a screw neck" (line 3) has not been positively recited.

As for claims 5 and 10, "a plug-type coupler" has not been positively recited. In any case, GB '028 still teaches the connecting sleeve at inlet valve 14 and connection 13 being laterally directed from the sealing cap (Fig. 1).

As for claim 6, the connecting sleeve together with the sealing cap can be pivoted about its axis since even the slightest rotation of the connecting sleeve assembly would meet such limitation. Further, the GB '028 arrangement would permit a pivotal motion due to the valve housing 6 being circular in shape (see Fig. 2).

As for claim 7, said passage opening for the water connection is arranged on the underside of the base, and that water supply (from the mains supply) to the cleaning

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and rinsing device takes place through an angled connecting sleeve (see "angled" hose 12 in Fig. 2).

As for claims 8 and 11, the water hose at 12 "can be" (not a positive limitation but merely requires the ability to so perform) mounted to the connecting sleeve by a self-clamping plug-type coupler.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB '028 in view of Switzerland 210957 (hereinafter Switzerland '957).

GB '028 teaches all of the recited subject matter as set forth above with the exception of the combination of downwardly directed supporting legs and suction cups. Switzerland '957 discloses a base with downwardly directed supporting legs integrally formed with the base and suction cups mounted to them. It would have been obvious to one skilled in the art to have modified the GB '028 device such that the base has downwardly directed supporting legs integrally formed with the base and suction cups mounted to them as taught by Switzerland '957 in order to securely position the base on a flat surface during a cleaning operation.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Irvine, Scott, Kinsey, Nye, Jr., and Varratta are relevant to various mountable washing devices.

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9. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744